

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

GARY D. SMITH,

Plaintiff,

Case No. 03-73947

v.

Honorable John Corbett O'Meara

CITY OF DETROIT, VICTOR MERCADO,
and LOUISE LIEBERMAN,

Defendants.

ORDER

In June 2005 the court scheduled this matter to begin trial October 4, 2005. On the scheduled trial date, the case was called; however, counsel for defendant City of Detroit was not prepared to go to trial. In the wake of the resignations from employment by the two defense counsel of record, Kathryn Niemer and Dara Chenevert, and without notice to this court, the case had been reassigned to another attorney in the City of Detroit Law Department.

The court initially held defendant City of Detroit in default and planned to schedule a trial on the issue of damages only. However, the court has reconsidered its position. It is hereby **ORDERED** that the order of default is **WITHDRAWN**.

It is further **ORDERED** that trial is set for October 25, 2005, at 9:00 a.m.

It is further **ORDERED** that defendant City of Detroit **SHALL PAY** the reasonable costs and attorney fees attendant its failure to appear ready for trial on October 4, 2005.

s/John Corbett O'Meara

John Corbett O'Meara

United States District Judge

Dated: October 7, 2005